

State Attorneys General

A Communication From the Chief Legal Officers
of the Following States and Territories:

**Arizona * Arkansas * Connecticut * Guam * Illinois * Iowa
Kansas * Kentucky * Maine * Maryland * Mississippi
Montana * Nebraska * New Hampshire * New Mexico * North Dakota
Northern Mariana Islands * Ohio * Rhode Island * South Dakota
Tennessee * Virginia * Washington**

May 13, 2010

Mr. Chris Tolles
CEO
Topix L.L.C.
1001 Elwell Court
Palo Alto, CA 94303

Dear Mr. Tolles:

We write to express our significant concerns with the Topix.com "Forums and Polls" pages and Topix's \$19.99 fee for "priority review" of inappropriate posts that violate your website's terms of service. We believe that representing that consumers must pay a fee to expedite review of inappropriate posts, combined with the design of the feedback system, and the lack of adequate disclosure about the system, pose serious consumer protection concerns.

Initial investigation by Kentucky and Connecticut reveals that the forums and polls section of Topix is routinely used to post derogatory information, in blatant violation of Topix's terms of service. Indeed, the forums appear to operate without moderators and contain obscene, vulgar, and abusive posts, often concerning minors. In many communities, these abusive posts make up a significant percentage of the "traffic" in the "Forums and Polls" pages.

Consumers concerned about false, obscene or derogatory information that had been posted and who had flagged a post as inappropriate, were outraged that they were required to pay \$19.99 to have the post receive "priority review." These consumers clicked on the "report abuse" link located in proximity to the objectionable post, which links to a drop down box providing two options - - simply flagging the post or paying \$19.99 for priority review. Several reported that the "flagging" option was ineffective. Indeed, Topix has acknowledged that posts are not even placed into the queue for removal unless users from 3 separate IP addresses "flag" a post.

Although you have offered to make changes to your site to address these issues, we believe additional changes are necessary to adequately address the problems which we identified as follows:

- **Eliminate the \$19.99 fee for “expedited review”**

Charging consumers \$19.99 for an “expedited review” of abusive posts that violate the Topix Terms of Service (TOS) is unconscionable.

Topix should immediately refrain from charging consumers to conduct expedited reviews and develop alternative measures to screen out abusive posts and provide timely review and removal of posts that violate your TOS including hiring additional personnel, if necessary, to timely review abuse reports.

- **Improve disclosures regarding the feedback system**

Removal of the \$19.99 “expedited review” option from the “flag abuse” drop down link is necessary, but there need to be additional disclosures clarifying Topix’s “feedback” and “flagging” options so that consumers understand the process Topix employs for reviewing flagged posts and reports of abuse. Topix should clearly and conspicuously disclose to consumers that unless users from 3 separate IP addresses “flag” a post it is not even placed in a queue to be reviewed, whereas all reports using the “feedback” system are reviewed. Because many of the abusive posts on Topix are personal in nature, it is not reasonable to expect that non-victims will routinely, if ever, flag abusive posts about other people. Unless a consumer is aware of this limitation, they will continue to complain about abusive posts not being removed and Topix will take no action to review them or have them removed.

- **Reduce time for reviewing abuse reports**

A 7-14 day turnaround time for reviewing abuse reports is not satisfactory. We encourage you to improve your system to reduce the amount of time needed to review these posts that is in line with standards developed by MySpace and Facebook. 72 hours for routine abuse reports and 24 hours for emergency reports.

- **Improve screening of abusive posts**

Screening measures should be enhanced to improve the effectiveness of any artificial intelligence systems in place. The current ones are not effective. Abusive posts continue to dominate many of the forums. Topix should immediately revamp its AI technology to block more violative posts and repeat offenders and explore additional technological measures that will block abusive and hateful posts before they are posted. Given the rampant abuse of Topix’s terms of service, we urge Topix to require users to submit verifiable e-mail addresses as a means to deter abusers who cavalierly abuse the system under cover of a system which enhances their anonymity. These strategies should in turn reduce the number of people needed to review abuse reports.

- **Law enforcement primer/emergency reports**

We appreciate Topix’s responsiveness in offering to provide uniform information for law enforcement needs and we think the primer that you have circulated to Kentucky and Connecticut is a good first step. We are concerned that listing a law enforcement emergency contact channel in Topix’s TOS will result in the channel being overrun with non-law enforcement reports. We suggest a distinct and separate private channel for law enforcement contacts. At the same time, we feel it is important for there to be additional means established to provide the public at large a channel for reporting high priority incidents without being charged a fee.

We look forward to continuing to work with you and discussing these changes that will better protect individuals using your site.

Sincerely,



Richard Blumenthal
Attorney General of Connecticut



Jack Conway
Attorney General of Kentucky



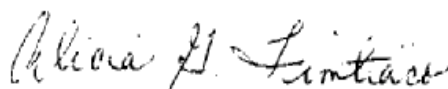
Jon Bruning
Attorney General of Nebraska



Terry Goddard
Attorney General of Arizona



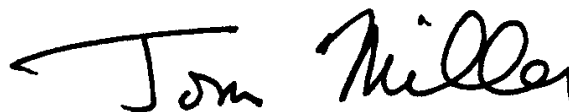
Dustin McDaniel
Attorney General of Arkansas



Alicia G. Limtiaco
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Lisa Madigan
Attorney General of Illinois



Tom Miller
Attorney General of Iowa



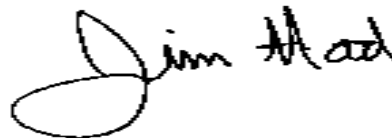
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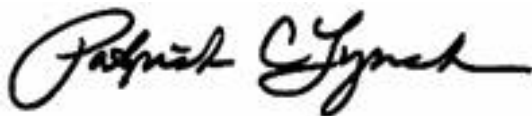
Michael A. Delaney
Attorney General of New Hampshire



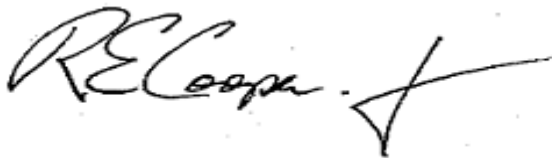
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Rob McKenna
Attorney General of Washington



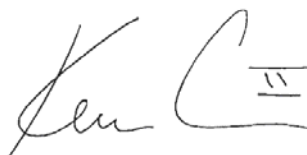
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